

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

IN RE: MATTHEW CASCIANI  
KRISTIN MELISSA CASCIANI,  
Debtors.

CASE NO: 09-71991  
Chapter 7

**NOTICE AND MOTION TO APPROVE SALE OF REAL PROPERTY**

Matthew Casciani and Kristin Melissa Casciani have filed papers with the court to Sell Real Property.

**Your rights may be affected. You should read these papers carefully and discuss them with your Attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)**

If you do not want the court to grant the relief sought in the motion, then on or before 6/27/12, you or your attorney must: File with the court, at the address below, a written request for hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so that the court will receive it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
Eastern District of Virginia  
Norfolk Division  
600 Granby Street  
Norfolk, VA 23510

You must also mail a copy to:

Hampton Roads Legal Services  
2624 Southern Blvd. Suite 101 and  
Virginia Beach, VA 23452

Matthew Casciani  
Kristin Melissa Casciani  
1233 Heathcliff Drive  
Virginia Beach, VA 23464

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Edrie A. Pfeiffer, Esquire  
Counsel for the Debtors  
2624 Southern Blvd. Suite 101  
Virginia Beach, VA 23452  
(757)340-3100  
VSB 41791  
[admin@hamptonroadslegal.com](mailto:admin@hamptonroadslegal.com)

**MOTION TO APPROVE SALE OF REAL PROPERTY**

COMES NOW, Matthew Casciani and Kristin Melissa Casciani by counsel, and applies the Court for authority to sell the Estate's interest in certain real property, as set forth below, and in support thereof, states as follows:

1. That this case commenced upon the filing of a Voluntary Petition for Bankruptcy under Chapter 13 of Title 11 of the United States Bankruptcy Code in this Court on May 14, 2009. The case was converted to one under Chapter 7 of Title 11 on or about January 9, 2012. An Order for Relief of that date was entered by the Court.
2. That among the assets of the Estate, listed herein, are certain real property located in the City of Virginia Beach, Virginia. Said property is located 1322 W. Orlando Street, Broken Arrow OK 74011. Further described as:

Lot 1, Block Three, Silvertree, Broken Arrow, Oklahoma
3. That the client has secured an offer to purchase the Estate's interest in the subject property for the sum of \$100,000.00, which is, in the opinion of Counsel a fair offer, indicative of the Estate's portion of the equity available out of the property.
4. That the Debtors propose to use approximately \$72,001.58 of the net proceeds of the sale to satisfy the First Deed of Trust in favor of Seterus Mortgage, which has a payoff balance of approximately \$72,001.58.
5. That the Debtors propose to use approximately \$9,671.69 of the net proceeds of the sale to satisfy the Second Deed of Trust in favor of Seterus Mortgage, which has a payoff balance of approximately \$9,671.69.
6. That the associated Closing costs are approximately \$13,814.00, including \$570.00 to pay all outstanding Utilities, Taxes and Fees.
6. That Edrie A. Pfeiffer is entitled to fees in the amount of \$500.00 for the filing of this Motion and entry of a subsequent Order, which should also be paid out at closing.
7. That the Debtors would retain approximately \$4012.73, which amount has been claimed exempt, after all liens, associated closing costs and payment to the Plan.

Edrie A. Pfeiffer, Esquire  
Counsel for the Debtors  
2624 Southern Blvd. Suite 101  
Virginia Beach, VA 23452  
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9. That the expected Closing date is set for June 29, 2012.
10. That no creditor or party in interest will be adversely affected if the relief requested herein is granted.

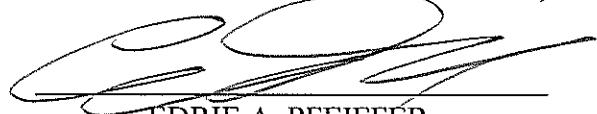
WHEREFORE, the Debtors pray for the entry of an Order authorizing them to sell the real property aforesaid upon the terms and conditions set forth above, and for such other reasonable and equitable relief as the Court deems appropriate.

MATTHEW CASCIANI  
KRISTIN MELISSA CASCIANI

  
By: \_\_\_\_\_  
Of Counsel

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing proposed Motion was mailed to or electronically served upon the Debtors, Trustee, United States Trustee, and all creditors and parties in interest at their respective addresses on the attached Service List on June 6, 2012.

  
EDRIE A. PFEIFFER

Edrie A. Pfeiffer, Esquire  
Counsel for the Debtors  
2624 Southern Blvd. Suite 101  
Virginia Beach, VA 23452  
(757)340-3100  
VSB 41791  
[admin@hamptonroadslegal.com](mailto:admin@hamptonroadslegal.com)

**A. Settlement Statement**U.S. Department of Housing  
and Urban Development

OMB No. 2502-0265

**B. Type of Loan**

1.  FHA 2.  FmHA 3.  Conv Unins  
 4.  VA 5.  Conv Ins. 6.  Seller Finance

U.S. Department of Housing

and Urban Development

OMB No. 2502-0265

23265J

8. Mortgage Ins Case Number

C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "I.p.o.e." were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. Name & Address of Borrower  
Jacob MooreE. Name & Address of Seller  
Matthew Casciani

F. Name &amp; Address of Lender

**G. Property Location**SILVERTREE, Block 3, Lot 1, Tulsa County  
1322 West Orlando Street  
Broken Arrow, OK**H. Settlement Agent Name**Guaranty Abstract Company  
320 S. Boulder Avenue  
Tulsa, OK 74103 Tax ID: 73-0267020  
Underwritten By: LawyersI. Settlement Date  
5/18/2012  
Fund:**J. Summary of Borrower's Transaction**

100. Gross Amount Due from Borrower

**K. Summary of Seller's Transaction**

400. Gross Amount Due to Seller

101. Contract Sales Price

401. Contract Sales Price

\$100,000.00

102. Personal Property

402. Personal Property

103. Settlement Charges to borrower

403.

104.

404.

105.

405.

## Adjustments for items paid by seller in advance

## Adjustments for items paid by seller in advance

106. County Property Taxes

406. County Property Taxes

107.

407.

108.

408.

109.

409.

110.

410.

111.

411.

112.

412.

113.

413.

114.

414.

115.

415.

116.

416.

120. Gross Amount Due From Borrower

420. Gross Amount Due to Seller

\$100,000.00

200. Amounts Paid By Or in Behalf Of Borrower

500. Reductions in Amount Due to Seller

201. Deposit or earnest money

501. Excess Deposit

202. Principal amount of new loan(s)

502. Settlement Charges to Seller (line 1400)

\$10,690.00

203. Existing loan(s) taken subject to

503. Existing Loan(s) Taken Subject to

204. Loan Amount 2nd Lien

504. Payoff of first mortgage loan

\$72001.69

205.

505. Payoff of second mortgage loan

\$9,671.69

206.

506.

207.

507.

208.

508.

209.

509.

## Adjustments for items unpaid by seller

## Adjustments for items unpaid by seller

210. County Property Taxes 01/01/12 thru 05/18/12

510. County Property Taxes 01/01/12 thru 05/18/12

\$527.90

211.

511.

212.

512.

213.

513.

214.

514.

215.

515.

216.

516.

217.

517.

218.

518.

219.

519.

220. Total Paid By/For Borrower

520. Total Reduction Amount Due Seller

\$1,217.90

300. Cash At Settlement From/To Borrower

600. Cash At Settlement Tu/From Seller

301. Gross Amount due from borrower (line 120)

601. Gross Amount due to seller (line 420)

\$100,000.00

302. Less amounts paid by/for borrower (line 220)

602. Less reductions in amt. due seller (line 520)

\$11,217.90

303. Cash From Borrower

603. Cash To Seller

\$88,782.10

Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires the following: • HUD must develop a Special Information Booklet to help persons borrowing money to finance the purchase of residential real estate to better understand the nature and costs of real estate settlement services;

• Each lender must provide the booklet to all applicants from whom it receives or for whom it prepares a written application to borrow money to finance the purchase of residential real estate; • Lenders must prepare and distribute with the Booklet a Good Faith Estimate of the settlement costs that the borrower is likely to incur in connection with the settlement. These disclosures are mandatory.

Section 4(a) of RESPA mandates that HUD develop and prescribe this standard form to be used at the time of loan settlement to provide full disclosure of all charges imposed upon the borrower and seller. These are third party disclosures that are designed to provide the borrower with pertinent information during the settlement process in order to be a better shopper.

The Public Reporting Burden for this collection of information is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. The information requested does not lend itself to confidentiality.

Less Mortgage Payoff

L. Settlement Charges

Line	Description	Amount	Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
700.	Total Sales/Broker's Commission based on price	\$160,000.00	@7% = \$7,000.00	
	Division of Commission (line 700) as follows:			
701.	\$4,000.00	to Accent Realtors		
702.	\$3,000.00	to Orlando & Associates Realtors		
703.	Commission Paid at Settlement			\$7,000.00
704.	Contact Management Fee	to Accent Realtors		\$395.00
705.	Broker Closer Fee	to		
800.	Items Payable in Connection with Loan			
801.	Loan Origination Fee %	to		
802.	Loan Discount %	to		
803.	Appraisal Fee	to		
804.	Credit Report	to		
805.	Lender's Inspection Fee	to		
806.	Mortgage Insurance Application	to		
807.	Assumption Fee	to		
808.	Tax Service Fee	to		
809.	Flood Certificate Fee	to		
810.	Processing Fee	to		
811.	Underwriting Fee	to		
812.	Funding Fee	to		
813.	Broker Fee	to		
814.	Administration Fee	to		
815.	Document Preparation Fee	to		
816.	Lender's Inspection Fee	to		
900.	Items Required by Lender To Be Paid in Advance			
901.	Interest from 5/18/2012 to 6/1/2012 @ \$0/day			
902.	Mortgage Insurance Premium for months to			
903.	Hazard Insurance Premium for years to			
1000.	Reserves Deposited With Lender			
1001.	Hazard insurance	months @ per month		
1002.	Mortgage insurance	months @ per month		
1003.	County Property Taxes	months @ per month		
1004.	HOA Dues	months @ per month		
1005.	Other Taxes	months @ per month		
1006.		months @ per month		
1007.		months @ per month		
1008.		months @ per month		
1011.	Aggregate Adjustment			
1100.	Title Charges			
1101.	Settlement or closing fee	to		
1102.	Abstract or title search	to Guaranty Abstract Company		\$705.00
1103.	Title examination	to		
1104.	Seller's Closing Fee	to Guaranty Abstract Company		\$350.00
1105.	Document preparation	to Guaranty Abstract Company		\$75.00
1106.	Notary fees	to		
1107.	Attorney's fees	to		
(includes above items numbers:		)		
1108.	Title insurance	to		
(includes above items numbers:		)		
1109.	Lender's coverage \$0.00 Premium \$0.00			
1110.	Owner's coverage \$100,000.00 Premium \$0.00			
1111.	Final GAP Search	to Guaranty Abstract Company		\$35.00
1112.	Final Title Report	to		
1113.	Shipping/Storage Fee	to		
1114.	Buyer's Name Check	to		
1115.	Special Assessment Letter	to Guaranty Abstract Company		\$25.00
1116.	UCC Search	to Guaranty Abstract Company		\$85.00
1117.	Payoff Delivery	to Guaranty Abstract Company		\$35.00
1118.	Wire Fee	to		
1119.	Title Insurance Binder	to		
1200.	Government Recording and Transfer Charges			
1201.	Recording Fees Deed ; Mortgage ; Rec \$15.00	to Guaranty Abstract Company		\$15.00
1202.	City/county tax/stamps Deed ; Mortgage	to Tulsa County Treasurer		
1203.	State tax/stamps Deed \$150.00 ; Mortgage	to Guaranty Abstract Company		\$150.00
1204.	Mortgage Certification Fee	to Tulsa County Treasurer		
1205.	Courier/Messenger Fee	to		
1300.	Additional Settlement Charges			
1301.	Survey	to White Surveying Co.		\$200.00
1302.	Pest Inspection	to		
1303.	EMI Inspection	to		
1304.	Structural Fee	to		
1305.	FHA Non-Allowable Costs	to		\$120.00
1306.	Repairs, per contract	to		\$1,000.00
1307.	Legal Fees	to Hampton Roads Legal Services		\$500.00
1400.	Total Settlement Charges (enter on lines 103, Section J and 502, Section K)			\$10,690.00

Matthew Casciani Case 09-71991-SCS Doc 82 Filed 06/06/12 Entered 06/06/12 15:04:22 Desc Main Document Page 6 of 6  
 Kristin Melissa Casciani PO Box 64875 Virginia Beach, VA 23467 Office of the U.S. Trustee Federal Building Room 200 Granby Street Norfolk, VA 23510 Equifax Credit Information Services, Inc P.O. Box 740241 Atlanta, GA 30374

TransUnion Consumer Solutions  
 PO Box 2000  
 Crum Lynne, PA 19022

ChexSystems  
 Attn: Consumer Relations  
 7805 Hudson Rd., Ste. 100  
 Saint Paul, MN 55125

TeleCheck Services, Inc.  
 5251 Westheimer  
 Houston, TX 77056

Recovery Management Systems Corp  
 25 SE 2nd Avenue, Ste 1120  
 Miami, FL 33131-1605

NCO Financial Systems, Inc.  
 507 Prudential Road  
 Horsham, PA 19044

Internal Revenue Service  
 400 N 8th Street Box 76  
 Richmond, VA 23219

Virginia Dept of Taxation  
 Office of Customer Services  
 Post Office Box 2156  
 Richmond, VA 23218-2156

Experian  
 701 Experian Parkway  
 Allen, TX 75013

ADT  
 P. O. Box 650485  
 Dallas, TX 75265-0484

Barclays Bank Delaware  
 Attention: Customer Support Department  
 Po Box 8833  
 Wilmington, DE 19899

Bb&t  
 P O Box 2027  
 Greenville, SC 29602

Capital 1 Bank  
 Attn: C/O TSYS Debt Management  
 Po Box 5155  
 Norcross, GA 30091

Chase  
 Attn: Bankruptcy Dept  
 Po Box 100018  
 Kennesaw, GA 30156

Chase - Cc  
 Attention: Bankruptcy Department  
 Po Box 15298  
 Wilmington, DE 19850

Chase Bank  
 PO Box 15153  
 Wilmington, DE 19886

Citi  
 Attn: Centralized Bankruptcy  
 Po Box 20507  
 Kansas City, MO 64915

Countrywide Home Lending  
 Attention: Bankruptcy SV-314B  
 Po Box 5170  
 Simi Valley, CA 93062

Deborah S. Kirkpatrick, Esq.  
 P. O. Box 10275  
 Virginia Beach, VA 23450-0275

Discover Fin Svcs Llc  
 Po Box 15316  
 Wilmington, DE 19850

Discover Personal Loan  
 Po Box 30954  
 Salt Lake City, UT 84130

ECast Settlement Corp  
 P.O. Box 35480  
 Newark, NJ 07193

Guaranty Abstract Co  
 2705 E. 21st St.  
 Tulsa, OK 74114

Paul Wheeler  
 Accent Realtors  
 4625 S. Harvard Avenue  
 Tulsa, OK 74135

Samuel I. White, PC  
 5040 Corporate Woods Drive  
 Suite 120  
 Virginia Beach, VA 23462

Seterus (Sucsesor to SunTrust)  
 14523 Millikan Way  
 Suite 200  
 Beaverton, OR 97005

Suntrust Mortgage/cc 5  
 Attention: RVW3034  
 1001 Semmes Ave  
 Richmond, VA 23224